

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN SENATE AUGUST 31, 2005

AMENDED IN ASSEMBLY APRIL 27, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1165

Introduced by Assembly Member Bogh

February 22, 2005

~~An act to amend Section 1250.310 of the Code of Civil Procedure, to amend Section 14074 of the Corporations Code, to amend Sections 17910.1, 17911.2, 17911.3, 17911.4, 17911.6, 17912, 17912.2, 17925, and 41304 of the Education Code, to amend Sections 32321, 32322, 32940, and 32942 of, and to repeal Section 32208 of, the Financial Code, to amend Sections 9100 and 9101 of the Fish and Game Code, to amend Sections 11550, 11553, 12802.5, 12805, 14450, 14684, 14684.1, 15814.22, 15814.23, 15814.30, 15814.34, 66645, and 66646 of, and to amend and renumber Section 15814.25 of, the Government Code, to amend Sections 3808, 3822.1, 3822.2, 4799.16, 6815.2, 14584, 21080, 25104, 25106, 25107, 25110, 25112, 25205, 25207, 25212, 25214, 25215, 25216, 25216.5, 25217.1, 25218, 25218.5, 25219, 25220, 25221, 25222, 25223, 25224, 25225, 25226, 25301, 25302, 25303, 25304, 25305, 25305.5, 25306, 25320, 25321, 25322, 25323, 25324, 25354, 25356, 25357, 25358, 25362, 25364, 25366, 25400, 25401, 25401.2, 25401.5, 25401.6, 25401.7, 25402, 25402.1, 25402.3, 25402.6, 25402.9, 25403, 25403.5, 25403.8, 25404, 25410.5, 25410.6, 25412, 25413, 25414, 25415, 25416, 25417, 25417.5, 25419, 25420, 25426, 25433.5, 25434, 25434.5, 25435, 25436, 25441, 25442, 25442.5, 25442.7, 25443, 25443.5, 25445, 25449, 25449.1, 25449.2,~~

~~25449.3, 25494, 25496, 25509.5, 25519, 25521, 25531, 25534, 25601, 25602, 25603, 25603.5, 25608, 25610, 25616, 25617, 25618, 25619, 25620, 25620.1, 25620.2, 25620.3, 25620.4, 25620.5, 25620.6, 25620.7, 25620.8, 25620.9, 25620.10, 25620.11, 25630, 25678, 25679, 25696, 25696.5, 25697, 25700, 25701, 25702, 25703, 25704, 25705, 25720, 25721, 25722, 25722.5, 25723, 25730, 25741, 25742, 25743, 25744, 25745, 25747, 25748, 25749, 25750, 25751, 25771, 25803, 25900, 25901, 25902, 25911, 25942, 25967, 25968, 26004, 26011.5, 26011.6, and 30404 of, to amend the heading of Chapter 3 (commencing with Section 25200) of Division 15 of, to add Sections 3806.5, 25104.1, 25104.2, 25205.5, 25207.5, and 25208 to, to add Chapter 3.5 (commencing with Section 25227) to Division 15 of, to repeal Sections 3805.5, 25213, 25217, and 25217.5 of, and to repeal and add Sections 25200, 25201, 25202, 25203, 25204, and 25206 of, the Public Resources Code, to amend Sections 332.1, 348, 350, 352, 353.7, 360, 365, 366.1, 366.2, 381, 383, 384, 398.2, 398.3, 398.5, 399.1, 399.6, 399.7, 399.8, 399.11, 399.12, 399.13, 399.15, 399.16, 454.5, 464, 848.1, 1001, 1731, 1768, 1822, 2774.6, 2826.5, 2826.6, 2827, 3302, 3310, 3320, 3330, 3341, 3341.1, 3341.2, 3345, 3370, and 9502 of, to add Sections 322, 345.1, 345.2, 1001.1, and 1001.2 to, to repeal Sections 383.6, 399.1, 454.5, 3325, 3326, and 3327 of, to repeal Article 2 (commencing with Section 334) of Chapter 2.3 of Part 1 of Division 1 of, and to repeal and add Section 3340 of, the Public Utilities Code, and to amend Section 80000 of, and to add Sections 80001 and 80001.5 to, the Water Code, relating to energy resources. An act relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as amended, ~~Bogh. Energy resources: energy agency reorganization: Department of Energy: California Energy Commission: Office of Energy Market Oversight. State employees: State Bargaining Unit 8.~~

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

Existing law requires any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act, to be provided by the Department of Personnel Administration to the Joint Legislative Budget Committee. Existing law requires the Joint Legislative Budget Committee to determine within 30 days after receiving the side letter, appendix, or other addendum if it presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the side letter, appendix, or other addendum.

This bill would approve provisions of an addendum to a memorandum of understanding entered into between the state employer and State Bargaining Unit 8, and would provide that those provisions that require the expenditure of funds shall not become effective unless funds for those provisions are specifically appropriated by the Legislature. The bill would provide that if funds for those provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

This bill would further provide that the provisions of the addendum to the memorandum of understanding that require the expenditure of funds shall become effective even if those provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would also appropriate \$23,667,000 from the General Fund to the Department of Forestry and Fire Protection for expenditure for the 2006–07 fiscal year for employee compensation in augmentation of the Budget Act of 2006, as specified, and would reduce a specified appropriation to that department by \$12,621,000.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law establishes the State Energy Resources Conservation and Development Commission, the California Consumer Power and Conservation Financing Authority, and the Electricity Oversight Board with jurisdiction related to energy matters. Existing law provides the California Public Utilities Commission with jurisdiction over the certification of natural gas and electric facilities. Existing law also provides the Office of Planning and Research, the Department of~~

~~Water Resources, the Department of General Services, and the Office of the State Architect with jurisdiction over certain energy-related matters.~~

~~This bill would abolish the State Energy Resources and Conservation Commission, the California Consumer Power and Conservation Financing Authority, and the Electricity Oversight board. The measure would create the Department of Energy, headed by a Secretary of Energy, and would create the California Energy Commission and the Office of Energy Market Oversight within the department. The bill would provide for the creation of various divisions and subdivisions as deemed necessary by the secretary. The secretary would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint an Assistant Secretary of Energy who would serve at the pleasure of the secretary.~~

~~The bill would provide that the California Energy Commission consists of the following members: (1) the Secretary of Energy who would be the chair of the commission, (2) four members of the public with qualifications, as specified, appointed by the Governor, subject to confirmation by the Senate, (3) the president of the California Independent System Operator, and (4) the president of the California Public Utilities Commission. The bill would provide that the president and chief executive officer of the California Independent System Operator and the president of the California Public Utilities Commission serve as ex officio, nonvoting members of the commission. The bill would specify that the public members serve for a term of 4 years.~~

~~The bill would vest the Office of Energy Market Oversight with the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Electricity Oversight Board.~~

~~The bill would vest the new department and the California Energy Commission with the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the State Energy Resources Conservation and Development Commission and the California Consumer Power and Conservation Financing Authority, as specified.~~

~~The bill would transfer jurisdiction over the issuance of certificates of public convenience and necessity for certain electric facilities from the Public Utilities Commission to the Department of Energy or the California Energy Commission.~~

~~The bill would also transfer jurisdiction of certain energy-related matters from the Office of Planning and Research, the Department of Water Resources, the Department of General Services, and the Office of the State Architect to the Department of Energy or the California Energy Commission, as specified. The bill would also rename the California Consumer Power and Conservation Authority Fund as the California Consumer Power and Conservation Fund.~~

~~The bill would make conforming changes in existing law.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares that the*
2 *purpose of this act is to approve those provisions of an*
3 *agreement pursuant to Section 3517 of the Government Code*
4 *entered into by the state employer and State Bargaining Unit 8,*
5 *California Department of Forestry Firefighters, on May 12,*
6 *2006, that require the expenditure of funds.*
- 7 *SEC. 2. The provisions of the addendum to the memorandum*
8 *of understanding prepared pursuant to Section 3517.5 of the*
9 *Government Code and entered into by the state employer and*
10 *State Bargaining Unit 8 and that require the expenditure of*
11 *funds, are hereby approved for the purposes of subdivision (b) of*
12 *Section 3517.6 of the Government Code.*
- 13 *SEC. 3. The provisions of the addendum to the memorandum*
14 *of understanding approved by Section 2 of this act that are*
15 *scheduled to take effect on or after July 1, 2006, and that require*
16 *the expenditure of funds, shall not take effect unless funds for*
17 *these provisions are specifically appropriated by the Legislature.*
18 *If funds for these provisions are not specifically appropriated by*
19 *the Legislature, the state employer and the affected employee*
20 *organization shall meet and confer to renegotiate the affected*
21 *provisions, or either party may reopen negotiations on all or part*
22 *of the addendum to the memorandum of understanding pursuant*
23 *to Section 3517.7 of the Government Code.*
- 24 *SEC. 4. Notwithstanding subdivision (b) of Section 3517.6 of*
25 *the Government Code, the provisions of the addendum to the*
26 *memorandum of understanding that require the expenditure of*
27 *funds shall become effective even if the provisions of the*

1 addendum to the memorandum of understanding are approved by
2 the Legislature in legislation other than the annual Budget Act.

3 SEC. 5. (a) The sum of twenty-three million six hundred
4 sixty-seven thousand dollars (\$23,667,000) is hereby
5 appropriated from the General Fund to the Department of
6 Forestry and Fire Protection for expenditure for the 2006–07
7 fiscal year for employee compensation in augmentation of Item
8 3540-001-0001 of Section 2.00 of the Budget Act of 2006 in
9 accordance with the following schedule:

10 (1) Twenty-three million six hundred sixty-seven thousand
11 dollars (\$23,667,000) to Item 3540-001-0001, Schedule (2) 11 –
12 Fire Protection.

13 (b) The sum of twelve million six hundred twenty-one thousand
14 dollars (\$12,621,000) is hereby reduced from Item
15 3540-006-0001 of Section 2.00 of the Budget Act of 2006.

16 SEC. 6. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety
18 within the meaning of Article IV of the Constitution and shall go
19 into immediate effect. The facts constituting the necessity are:

20 In order for the provisions of this act to be applicable as soon
21 as possible for the 2005–06 fiscal year, and thereby facilitate the
22 orderly administration of state government at the earliest
23 possible time, it is necessary that this act take effect immediately.
24

25
26 **All matter omitted in this version of the bill**
27 **appears in the bill as amended in Senate,**
28 **August 31, 2005.**
29